



Docket No. MINMAT.P02

RESPONSE TO OFFICE ACTION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: John Gabrick et al.
Serial No.: 09/687,510
Filed: October 12, 2000
For: System & Method for Web-based Development & Exploitation of Intellectual Property

MAIL STOP – AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

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I hereby state the following paper(s) are attached hereto:

Petition for Extension of Time (1 page and duplicate copy), Response to Office Action (3 pages), and Check No. 342 in the amount of \$225.00.

Which is being deposited with the United States Postal Service “Express Mail Post Office to Addressee” service under 37 CFR 1.10, on the date indicated above and is addressed to: Mail Stop – Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Richard W. James

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 2162

Examiner: To, Baoquoc

In re Application:
Gabrick et al.

Serial No.: 09/687,510

Filing Date: October 12, 2000

SYSTEM AND METHOD FOR
WEB-BASED DEVELOPMENT
AND EXPLOITATION OF
INTELLECTUAL PROPERTY

Response to Office Action
Regarding 37 C.F.R. 1.105

Pittsburgh, Pennsylvania 15235
January 8, 2007

MAIL STOP - AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

In the Office Communication dated September 8, 2006 (the "Office Communication"), Supervisory Patent Examiner John Breene stated "the provisional application 60/159,129 contains screen shots of a commercial product of the Interactive Internet IP site." The Supervisory Patent Examiner did not provide any reasoning to support that conclusion. Applicants, however, submit that the screen shots were taken from a personal computer and that no information contained in provisional application 60/159,129 (the "Provisional Application") was posted on the Internet or otherwise made public prior to the filing date of Provisional Application, which was October 12, 1999.

The Supervisory Patent Examiner requested the following information regarding the "screen shots of a commercial product of the Interactive Internet IP site" from the Provisional Application, from which the present application 09/687,510 (the "Subject Application") claims priority:

- a. Any information including written description, drawing, code and any other documentation to support this Interactive Internet IP Site.
- b. A web address for an Interactive Internet IP Site.
- c. Any information related to this commercial product (shown in the screen shots) including but not limited to when the product was developed and deployed.

The Supervisory Patent Examiner stated that the information required for the Internet IP Site is that which "has been available, known or used by others in this country, or described in a printed publication in this or a foreign country." The Supervisory Patent Examiner also specified that the information must predate the October 12, 1999 filing date of the Provisional Application.

In response, Applicants submit that the figures provided in the Provisional Application, as well as the Subject Application, were not screen shots from a publicly-accessible Internet site, but rather printouts of privately-stored Hypertext Markup Language (HTML) files, as viewed in a browser, locally stored on a computer of inventor John Gabrick. As shown in the figures, the addresses in the browser's address bars are to local files, e.g., beginning with the extensions, "file:///E:" and "\\C120\C120-CDRIVE\". Thus, the file addresses on the figures indicate they resided on a computer hard drive and were not taken from any public network.

Applicants respectfully submit that regarding information requested under "a" above, no information including written description, drawing, code and any other documentation to support this Interactive Internet IP Site was publicly available before October 12, 1999.



Regarding "b," and as discussed above, no web address or other publicly available information regarding an Interactive Internet IP Site was publicly available before October 12, 1999. Instead, the figures shown were locally stored on a private network of the assignee of the Subject Application.

Regarding "c," Applicants submit that no commercially available product existed prior to October 12, 1999 and so no information related to any commercial product or other shown in the screen shots, including but not limited to when the product was developed and deployed, exists.

Applicants believe they have fully responded to the inquiry. If the Examiner is not of this opinion, the Applicants respectfully request that the Examiner contact Applicant's Attorney at the telephone number listed below so that any concerns may be expeditiously addressed.

Respectfully Submitted

A handwritten signature in cursive script, appearing to read "Richard W. James".

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